

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIMBERLY LUST,

Plaintiff,

v

JAMES PLUMMER and GIDEON  
PAETZ,

Defendants.

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Dana M. Wood (P71955)  
John Fedynsky (P65232)  
Assistant Attorneys General  
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**NOTICE OF REMOVAL**

Defendant James Plummer, pursuant to 28 U.S.C. §§ 1331, §1367, and § 1441, remove Case No. 17-007088-NO entitled *Kimberly Lust v. James Plummer, et al.*, pending in the Circuit Court of Wayne County, State of Michigan, and state the following in support:

1. This case involves Plaintiffs' allegation that Defendants performed an unreasonable seizure and used excessive force on her.

2. Plaintiff alleges claims against Defendants for, *inter alia*, various violations of the United States Constitution under 42 U.S.C. § 1983.

3. This action is removable pursuant to 28 U.S.C. § 1441 (a), because it is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, in that it is a civil action arising under the laws of the United States.

4. This Court has pendent jurisdiction over Plaintiff's state law claims, which are related to the federal claim, pursuant to 28 U.S.C. § 1367(a).

5. Defendant Plummer received delivery of the summons and complaint by certified mail on June 5, 2017. A copy of the summons and complaint is attached as **Exhibit A**.

6. This notice of removal is timely under 28 U.S.C. § 1446 (b).

Respectfully submitted,

Bill Schuette  
Attorney General

/s/ Dana M. Wood

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Dated: July 3, 2017

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record and have sent it via U.S. Mail to all non-ECF participants. We also filed notice in the Wayne County Circuit court via Odyssey.

/s/ Dana M. Wood  
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